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PATENT APPLICATION

ATTORNEY DOCKET NO. TRMB-1405

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Steve CHOU

Confirmation No.: 1726

Application No.: 10/750,261

Examiner: Henry W. Orr

Filing Date: 12/31/2003

Group Art Unit: 2175

Title: SYSTEM AND METHOD FOR ENTRY AND DISPLAY OF BLUEPRINT DATA

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TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on 09/16/2009 .

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant:	Chou	Patent Application
Application No.:	10/750,261	Group Art Unit: 2176
Filed:	December 31, 2003	Examiner: Orr, H.
For:	System and Method for Entry and Display of Blueprint Data	

REPLY BRIEF

Appellant respectfully submits the following remarks in response to the Examiner's Answer, which was mailed on September 16, 2009.

REMARKS

Appellant respectfully submits the following remarks in response to the Examiner's Answer. In these remarks, Appellant addresses certain arguments presented in the Examiner's Answer. While only certain arguments are addressed in this Reply Brief, this should not be construed to mean that Appellant agrees with the other arguments presented in the Examiner's Answer.

(§5) Summary of Claimed Subject Matter: page 2 of Examiner's Answer

Appellant respectfully submits that one informality was noted within the summary of Claimed subject matter during Appellant's review of the Appeal Brief. In Section V, page 5, line 21, the summary of the Claimed Subject Matter erroneously reads "Claim 5" when it should read "Claim 1." Appellant submits that this error should not impede the Appeal, as it is clear that Claim 1 is being referred to, especially as the instant application includes no Claim 5 (it having been canceled).

(§10) Response to Argument: page 10 - page 16 of Examiner's Answer

Appellant notes that this portion of the Examiner's Answer repeatedly contends that the term "identically translate" is not defined in the instant application. For example, on page 11, with respect to Claims 1, 3, 4, 7, 8, and 15 the Examiner's Answer indicates (emphasis in original),

Firstly, examiner notes that the instant application fails to define the term **'translate'** or the phrase **'identically translate'** so that the meaning of the terms in the claims may be ascertainable by reference to the description in the instant

specification. Secondly, Examiner notes that without defining the phrase **‘identically translate’**, Appellant argues against the Christensen reference by alleging that Christensen is not capable of **‘identically translating’** because the stick attribute pulls or stretches lines and the lines are not moved from one place to another (see Brief; page 13). Based on Appellant arguments, it appears that Appellant is implying that identically translating comprises preserving the lengths of line segments and moving the line segments from one place to another.

Reference to this rationale is also relied upon with respect to the Response to Arguments as related to Claim 9 (see page 15 of the Examiner’s Answer).

Appellant respectfully disagrees that the term “identically translate” is not defined in the instant application. Appellant submits that the Office may have overlooked the portion of the specification which describes and explains the term “identically translate.” As such, Appellant respectfully directs attention to page 12, lines 11-16 of the specification as filed which recite (emphasis added):

FIG 3C shows a GUI 303 with the selected line and end point 9 of FIG 3B deleted. The line segments subsequent to the selected line segment have been identically translated to achieve coincidence between the start point of the next segment in the sequence and the end point of the segment prior to the deleted segment.

Appellant submits that it should be apparent to one of ordinary skill in the art that; A) the term “identically translated” is clearly defined through the described use of the term; and B) the term “identically translated” is further described and depicted visually through reference to an identical translation that occurred in Figure 3C after the deletion of a line segment from Figure 3B. Appellant submits that one of ordinary skill in the art at the time would clearly be able to ascertain the meaning of the term “identically translate” from the above

recited written description and step-wise illustration provided by comparison of Figures 3C and 3B of the instant application.

Appellant further directs attention to Section V (Summary of Claimed Subject Matter) of the Appeal Brief of 7/20/2009 which clearly cites to this portion of the specification and to Figures 3B and 3C for support of the phrase “identically translate” as it appears in Claim 1 (see page 6 of the Appeal Brief) as it appears in Claim 8 (see page 7 of the Appeal Brief) and as it appears in Claim 15 (see page 8 of the Appeal Brief).

It is recognized that that, although the claims are read in light of the specification, limitations appearing in the specification are not read into the claims. However, it is also recognized that the claims are read as one of ordinary skill in the art would read them. Furthermore, it is recognized that an Appellant can be his or her own lexicographer, as long as the meaning of a term is not repugnant to the usual meaning of the term. Moreover, if extrinsic reference sources evidence more than one definition for the term, the intrinsic record (e.g., the disclosure of the instant application) must be consulted to identify which of the different possible definitions is most consistent with Appellant’s use of the term – where there are several common meanings for a claim term, the patent disclosure serves to point away from the improper meanings and toward the proper meanings.

Appellants submits that the phrase “identically translated” is clearly (rather than repugantly) articulated in the instant application. As such, Appellant respectfully submits

the words “identically translate” of the claims must be given their plain meaning. In other words, they must be read as they would be interpreted by those of ordinary skill in the art. see e.g., *In re Sneed*, 710 F.2d 1544, 218 USPQ 385 (Fed. Cir. 1983).

Moreover, as the phrase “identically translate” is clearly articulated in the Specification and the Figures, Appellant is at a loss as to why the Rejection and Examiner’s Answer seem to jump through hoops to define this phrase as something other than the description of the phrase in the specification of the instant application. For example, the Examiner’s Answer actually resorts to Merriam Webster’s dictionary, an extrinsic source, in an attempt to define the phrase “identically translate” in spite of the fact that the phrase is articulated clearly in the application and is even described by illustration with reference to Figures 3B and 3C.

The Examiner’s Answer repeated contends that the Appellant “implies” a definition of the phrase “identically translate” by the manner in which the Appellant has argued against the Christensen art (see e.g., page 14, lines 8-12 of the Examiner’s answer). Appellant submits that no definition has been implied for the phrase. Instead, Appellant submits, as described above, that the meaning of the phrase “identically translate” is clear, articulate, and unambiguous based on a simple reading of the rather short specification.

Therefore, Appellant continues to maintain that the rejections of Claims 1, 3, 4, 7, 8, 9, and 15 do not satisfy the requirements of a *prima facie* case of obviousness because not

all of the features of Claims are taught or suggested by the cited art such that the claims as a whole would be obvious to one of skill in the art at the time, and because the Rejection does not explain why the identified differences between Appellant's claims and the cited art would have been obvious to one of skill in the art at the time. As such, Appellant continues to maintain that the pending claims overcome the rejections under 35 U.S.C. §103(a) and are in condition for allowance.

CONCLUSION

For reasons presented above and for reasons previously presented in the Appeal Brief, Appellant continues to assert that the embodiments of Claims 1, 3, 4, 7, 8, 9, and 15 are not taught suggested or described by the cited art. Thus, Appellant respectfully requests that the rejections of Claims 1, 3, 4, 7, 8, 9, and 15 be reversed.

Appellant encourages the Examiner or a member of the Board of Patent Appeals to telephone the Appellant's undersigned representative if it is felt that a telephone conference could expedite prosecution.

Respectfully submitted,

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Dated: October 22, 2009

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